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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 XY SKIN CARE & COSMETICS,  
L.L.C., an Arizona limited liability  
13 company, MICKY A. GUTIER, an  
individual, and ALBERTO GUTIER  
14 III, an individual,

15 Plaintiffs,

16 v.

17 HUGO BOSS USA, INC., a Delaware  
corporation, HUGO BOSS RETAIL,  
18 INC., a Delaware corporation, XYZ  
CORPORATION, ABC  
19 CORPORATION, and JOHN and  
JANE DOES,

20 Defendants.

21 HUGO BOSS USA, INC., a Delaware  
corporation, HUGO BOSS RETAIL,  
22 INC., a Delaware Corporation,

Counterclaimants,

23 v.

24 XY SKIN CARE & COSMETICS,  
L.L.C., an Arizona limited liability  
25 company, MICKY A. GUTIER, an  
individual, and ALBERTO GUTIER,  
26 III, an individual,

Counterdefendants.

CASE NO. 2:08-cv-01467-PHX

**JOINT STATUS REPORT**

Before: the Hon. Roslyn O. Silver

Pursuant to this Court's Second Amended Rule 16 Scheduling Order [Docket No. 106], the Parties hereby jointly apprise the Court of the status of their settlement discussions.

Discovery is closed; Defendants' Motion for Summary Judgment is pending before the Court. Counsel are discussing the possibility of non-binding mediation to further resolution of this case, and Plaintiffs' counsel has proposed dates for such mediation in January or February of 2011. Defendants request that mediation should not delay the Court's ruling on pending motions in this case.

RESPECTFULLY SUBMITTED this 23rd day of December, 2010.

By: /s/ Tom McGovern

**MCGOVERN LAW OFFICES**

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By: /s/ Leon Medzhibovsky

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ Pat Kelly